

4810-8686-6440, v. 1

**EXHIBIT B** *part 2*

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1 trespass card during the time of your incident on  
 2 March 17th?  
 3 A. I don't know.  
 4 Q. As you sit here today, do you know if you  
 5 were ever given a trespass card on March 17th, 2008?  
 6 A. I don't recall. I don't think I was  
 7 given a trespass card.  
 8 Q. I want you to look again at Exhibit G,  
 9 and this is another entry by Chris Simms. I'm on  
 10 Bates stamp 34, the second page of G.  
 11 It says, FYI, Joyce Zaic, the visitor  
 12 that has been causing us so many problems, has been  
 13 formally trespassed from the property by Metro  
 14 Police. Zaic is no longer allowed in the hospital.  
 15 In the desk drawer on the right-hand side is the  
 16 original trespass card. If Zaic happens to show up,  
 17 do not confront her and call Metro and give the  
 18 event number on the card to the dispatcher. If you  
 19 have any questions, contact me.  
 20 Did -- was this trespass card ever  
 21 discussed with you?  
 22 A. No. He has the original.  
 23 Q. You were never provided a copy or told  
 24 that you were being trespassed from the property?  
 25 A. No. I was told -- no. I was told, Don't

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1 come back; otherwise, I'm going to arrest you. No.  
 2 He said he has the original.  
 3 Q. I want you to look now at Exhibit D. I'm  
 4 on Bates stamp 25.  
 5 At the bottom of the page, the last three  
 6 sentences, it says, Patient family now asking that  
 7 patient daughter be allowed to visit although last  
 8 week they were against it. Explain behavioral  
 9 limitations that would be expected and reasons why  
 10 restrictions must remain in place due to hospital  
 11 liability.  
 12 Do you see what I'm reading?  
 13 A. No. Where at?  
 14 Q. The bottom of page 25.  
 15 A. Right, okay.  
 16 Okay. So what was the question?  
 17 Q. Did I read that correctly?  
 18 A. Yes.  
 19 Q. Do you recall ever being told that your  
 20 family had asked that you not be allowed to have  
 21 visitation?  
 22 A. Rephrase that, please.  
 23 Q. Did you ever learn that your family had  
 24 asked that you not be allowed to have visitation?  
 25 A. No. They never asked that.

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1 Q. Do you maintain that this statement is  
 2 not accurate?  
 3 A. It's not accurate. I don't know. No,  
 4 this didn't happen.  
 5 Q. And the reference to restrictions must  
 6 remain in place on visitation, do you have any idea  
 7 what that is referring to?  
 8 A. No. This is a nurse.  
 9 Q. I want to look again at the security log  
 10 on Bates stamp 32, which is Exhibit C.  
 11 It says, Visitor Joyce Zaic arrested for  
 12 trespassing. Event No. 28-10.  
 13 Do you see that?  
 14 A. No.  
 15 Q. Bates stamps 32 at the bottom.  
 16 A. Yes, I see.  
 17 Q. Is this the incident that we discussed  
 18 earlier with your brother and Danielle Pieper?  
 19 A. Yes.  
 20 Q. Do you recall --  
 21 A. No. This is not. I wasn't arrested for  
 22 trespassing. So no, I don't know what this is.  
 23 Q. What is your understanding of why you  
 24 were arrested then?  
 25 A. I was arrested for a battery, not

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1 trespassing.  
 2 Q. And that battery would have been an  
 3 allegation made by Danielle, not by MountainView?  
 4 Is that what I'm understanding you are saying?  
 5 A. Rephrase that, please.  
 6 Q. The battery allegation would have been  
 7 one forwarded by Danielle, not by MountainView  
 8 staff?  
 9 A. Right.  
 10 Q. Do you recall -- you said -- you  
 11 testified earlier that Jane Thiessen was the primary  
 12 nurse for your dad that night? Remember that?  
 13 A. Yes.  
 14 Q. Do you recall Jane being present in the  
 15 room during your altercation with your brother and  
 16 Danielle?  
 17 A. Yes. There was several nurses there.  
 18 Q. There are other nurses actually in the  
 19 room when the incident occurred?  
 20 A. No, nothing happened. No, she was not --  
 21 can you rephrase that, please?  
 22 Q. Do you recall Jane Thiessen being present  
 23 in the room at the time that your brother and  
 24 Danielle arrived?  
 25 A. No, she was not.

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1 Q. If she testified that she was present,  
2 would you consider that an inaccurate statement?  
3 A. Yes.  
4 Q. If Jane Thiessen testified that your  
5 brother and Danielle stayed on the other side of the  
6 bed and that you went over to your brother, would  
7 that be an inaccurate statement?  
8 A. Inaccurate statement, yes.  
9 Q. If she testifies that you went up to your  
10 brother and said, "Hit me, hit me," and were trying  
11 to goad him, would that be an inaccurate statement?  
12 A. That is inaccurate. That is false.  
13 Q. Once your brother tackled you and took  
14 you to the ground, at what point did you have  
15 interaction with security again?  
16 A. When they followed me -- were following  
17 me through the hospital and into the elevator.  
18 Q. And at this point they didn't actually  
19 have ahold of you or have you handcuffed; is that  
20 correct?  
21 A. Correct.  
22 Q. They were just following closely behind  
23 you?  
24 A. Yes.  
25 Q. Did they actually use any physical force

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1 on you as you went to the elevator?  
2 A. I don't recall.  
3 Q. Is there any that you remember during  
4 that time frame?  
5 A. I don't recall.  
6 Q. You had mentioned a Nurse Julie.  
7 Do you remember anything about Julie,  
8 last name or appearance or anything like that?  
9 A. She was -- she had dark hair. At times  
10 she said that she knows what I'm going through  
11 because she was going through the same thing with  
12 her -- with her family members. I forgot if she  
13 said her mother, her own mother or her own father.  
14 I forgot what she said. And she was -- she said --  
15 that was it.  
16 Q. As far as Julie, do you remember  
17 anything, appearance, age, tattoos, scars, hair  
18 color, anything like that?  
19 A. I think she had dark hair, and she was  
20 probably in her 50s.  
21 Q. Caucasian, Filipino?  
22 A. Caucasian.  
23 Q. Anything else that you remember?  
24 A. She -- that's -- really that's the first  
25 time I've seen her. She wasn't my father -- I

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1 didn't see her -- she was my father's nurse when  
2 I -- some of the times when I was kicked out. She  
3 said that she spoke to my mother, and she was  
4 sympathetic, and she was nice, different than what  
5 the other nurses were.  
6 Q. So as far as you know, she was an ICU  
7 nurse but she wasn't your dad's primary nurse that  
8 night.  
9 Is that fair?  
10 A. As far as I'm aware, Jane Thiessen was my  
11 dad's primary nurse.  
12 Q. After you went to the elevator, was --  
13 did you decide you wanted to go back to your dad's  
14 room?  
15 A. Yes.  
16 Q. And you went back there on your own?  
17 A. Yes.  
18 Q. And you waited there on your own, then,  
19 until Metro arrived; is that right?  
20 A. Yes.  
21 Q. Did anybody force you to stay in your  
22 dad's room?  
23 A. Security, they forced me. They wouldn't  
24 let me -- they wouldn't let me go anywhere without  
25 them following me.

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1 Q. But it was your choice to go back to your  
2 dad's room, though; right? Is that what you are  
3 telling me?  
4 A. Yes.  
5 Q. So it wasn't security that said you have  
6 to go wait in your dad's room?  
7 A. No.  
8 Q. And did they force you -- did they bar  
9 the door and force you to stay in your dad's room  
10 after that until Metro arrived?  
11 A. They did not bar the door, no.  
12 Q. And that's where you wanted to be, was  
13 with your dad at that point?  
14 A. I went to my dad's room to call the  
15 police because the security guards were harassing  
16 me.  
17 Q. But they did not physically make you  
18 remain in your father's room; is that true?  
19 A. They did to somewhat, because I didn't  
20 want to -- if I went down if -- I was there with my  
21 dad in my dad's room and there were nurses around;  
22 so I felt somewhat safe.  
23 If I would have went in the elevator with  
24 them, it would have just been us alone. I didn't  
25 want to be alone in the elevator. If I would have

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1 walked out into the hallway, there was nobody there.  
 2 So that's where I felt the safest.  
 3 Q. And there was nobody from security in the  
 4 room with you from that time frame until Metro  
 5 arrived?  
 6 A. I don't recall.  
 7 Q. Do you remember anyone from security  
 8 being present in the room?  
 9 A. I think they were waiting outside the  
 10 room for me.  
 11 Q. During -- included in some of your  
 12 discovery responses, you have some allegations about  
 13 charting made by the nurses either being altered or  
 14 missing.  
 15 Do you recall that?  
 16 A. I don't recall.  
 17 Q. There were certain stages where you say  
 18 only a portion of what was actually written is still  
 19 included in the charting and it's your understanding  
 20 that some of it is missing or it's been altered  
 21 somehow?  
 22 A. Yes.  
 23 Q. Do you recall that?  
 24 A. Yes.  
 25 Q. Do you have any basis for that

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1 allegation?  
 2 A. I got copies of the medical records  
 3 afterwards, and I read it myself. There's big black  
 4 marks.  
 5 Q. So it's not something where you have a  
 6 copy of records that are different than the records  
 7 you have now. It's just that you feel the way the  
 8 formatting looks may be different than what it was  
 9 originally?  
 10 A. Her formatting is different than all the  
 11 other nurses, how they put theirs down. She  
 12 can't -- when she deleted it -- what she wrote, she  
 13 must have changed her mind what she wrote, and then  
 14 she just deleted everything and left a big white  
 15 mark, white page. The whole page is white.  
 16 Q. Do you have any reason to believe that  
 17 she did do this or that was actually what occurred?  
 18 A. Rephrase that, please.  
 19 Q. Do you have any reason to believe or any  
 20 evidence to support your allegation that that's --  
 21 that somehow this was altered after the fact?  
 22 A. I believe it was altered after the fact.  
 23 Hers is the only one that does it. None of the  
 24 other nurses did that.  
 25 Q. And when you say "her," who are you

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1 referring to?  
 2 A. Lizbeth Hamilton, Nurse Lizbeth Hamilton.  
 3 Q. And what do you believe was altered in  
 4 her charting?  
 5 A. I don't know what she put. I have no  
 6 idea what she put.  
 7 Q. Did you ever see any different type of  
 8 charting was included in there?  
 9 A. Any type of what?  
 10 Q. Did you ever see or were you ever told  
 11 that there was more charting that's not there now?  
 12 A. I never talked to her about her charts,  
 13 no. I was told by one of the other nurses that when  
 14 she puts stuff in there, it's there. Nobody can see  
 15 what -- they can't see what each other wrote. So --  
 16 Q. And I don't want to put words in your  
 17 mouth, but the only reason you seem to believe that  
 18 is just because her page has a larger blank spot  
 19 than most of the pages of nurse charting.  
 20 Is that fair?  
 21 A. Yes.  
 22 Q. Any other reason you believe that?  
 23 A. Because she was mean. She wouldn't allow  
 24 me to be with my dad. She's the only nurse that  
 25 wouldn't. My dad went into cardiac arrest when he

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1 was in her presence. That day that the blank spots  
 2 were taken out, there's blank spots in her -- in her  
 3 nurse notes. My dad seemed to get better when the  
 4 other nurses were there, and it just makes no sense.  
 5 It doesn't add up with her.  
 6 Q. As far as the order regarding the  
 7 visitation, you said that you thought it was either  
 8 Dr. Sinai or maybe one of the other physicians had  
 9 made a written order that only family could be  
 10 present?  
 11 A. Yes.  
 12 Q. Do you have a copy of that physician  
 13 order?  
 14 A. Yes.  
 15 Q. And is that something that has been  
 16 produced in this litigation, that you are aware of?  
 17 A. I don't know what's been produced.  
 18 Q. Do you know if in the initial production  
 19 made by your counsel, a copy of that order was  
 20 included?  
 21 A. That was included in the battery, during  
 22 the trial. That was included.  
 23 Q. And do you have any idea of --  
 24 A. It's in the medical records, if you have  
 25 the medical records.

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1 MR. TYLER: And Cal, if you know, you  
2 might be able to short circuit this, but do you know  
3 if it was produced in your initial production?

4 MR. POTTER: I don't know.

5 BY MR. TYLER:

6 Q. Maybe if we have a break, I will have you  
7 look through here then and just see if you see that  
8 order in these records.

9 A. Okay.

10 Q. Do you know anything else about that  
11 order that you can help us identify which one you  
12 are referencing other than it could have been  
13 Dr. Sinai?

14 A. No.

15 Q. And as far as the visitors, you seem to  
16 imply during earlier questions that the only person  
17 that visited other than you, your brothers, and your  
18 mom was the one visit by Danielle; is that correct?

19 A. Yes. As far as I'm aware.

20 Q. In your testimony today and in your  
21 discovery responses, you describe on the day of the  
22 incident, the security guards walking closely behind  
23 you on the way to the elevator. At no point, do I  
24 see any physical contact that was made until you  
25 filed your amended complaint.

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1 Was there actually any physical contact  
2 during that time frame?

3 A. I don't recall.

4 Q. As far as the malicious prosecution cause  
5 of action you filed in this lawsuit, you understand  
6 that the criminal matter that occurred as a result  
7 was a result of the battery that Danielle Pieper  
8 made a complaint about?

9 A. Can you repeat that, please?

10 Q. The criminal prosecution that resulted  
11 from the March 21st incident, is it your  
12 understanding that that was a result of a battery  
13 complaint being made by Danielle Pieper?

14 A. Yes.

15 Q. Are you aware of any criminal complaints  
16 being made by MountainView or its staff?

17 A. I'm not aware of any.

18 Q. Okay. At this time are you making any  
19 allegations regarding physical injuries that may  
20 have resulted from the incident at MountainView?

21 MR. POTTER: Object to the form of the  
22 question.

23 BY MR. TYLER:

24 Q. Have you sought any medical treatment as  
25 a result?

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1 A. I haven't seeked medical treatment, no.

2 But I have --

3 Q. Do you have any ongoing physical medical  
4 problems as a result of that incident?

5 A. Yes.

6 Q. What are those?

7 A. Lack of sleep, my dad is gone. He's  
8 not -- it's irreversible. He will never be here,  
9 and that's it. If they wouldn't have done that, he  
10 might be -- he might still be here.

11 Q. Anything, though, physically as far as  
12 actual, you know, ligament problems or broken bones  
13 or --

14 A. I don't have any broken bones, no.

15 Q. Nothing ongoing physically, then?

16 A. Emotionally, it's emotional.

17 MR. TYLER: Okay. I will go ahead and  
18 pass the witness.

19 MR. POTTER: Why don't we take a break.

20 (Off the record.)

21 EXAMINATION

22 BY MR. GATES:

23 Q. Good afternoon, ma'am. How are you?

24 A. Fine.

25 Q. My name is Ray Gates. I represent

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1 Danielle Pieper, and I'm going to be bouncing  
2 around; so I'm going to give you fair warning now.  
3 Okay?

4 A. Okay.

5 Q. If you don't understand a question or you  
6 want me to repeat something, feel free to tell me  
7 that. If you need to take a break -- I know it is  
8 getting late in the afternoon -- let me know that as  
9 well.

10 A. Okay.

11 Q. As I understand it, you are not making a  
12 wage-loss claim in this lawsuit; is that correct?

13 A. Yes.

14 Q. You are or you're not --

15 MR. POTTER: Yes meaning no, that she's  
16 not. She's not making one.

17 THE WITNESS: Yes. I'm not making a wage  
18 claim, you're correct.

19 BY MR. GATES:

20 Q. Fair enough. When earlier -- I think it  
21 was this morning -- you were asked some questions,  
22 as I understand it, you don't have any type of  
23 medical or nursing background; correct?

24 A. Correct.

25 Q. Did you ever work in a hospital?



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1 A. No.  
 2 Q. Ever worked for a nurse or with a nurse?  
 3 A. No.  
 4 Q. Now, the lawsuit in the State of Maine,  
 5 you were represented by an attorney?  
 6 A. Yes.  
 7 Q. Who was that?  
 8 A. Jerrol Crouter from Maine.  
 9 Q. Was he retained by an insurance company,  
 10 to your knowledge?  
 11 A. No. I retained him. I paid for him.  
 12 Q. What was the disposition of that matter?  
 13 A. Case dismissed, closed.  
 14 Q. Was any payment made?  
 15 A. No.  
 16 Q. Let me go to the time after your father  
 17 died.  
 18 What was the date of his funeral?  
 19 A. I don't recall.  
 20 Q. Did you go to the funeral?  
 21 A. No.  
 22 Q. Why not, ma'am?  
 23 A. I wasn't invited.  
 24 Q. I'm sorry?  
 25 A. I wasn't invited. Nobody told me.

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1 Q. Are you saying that prior to the  
 2 occurrence, you had no idea that it was scheduled or  
 3 where it was going to take place?  
 4 A. Nobody told me. Nobody informed me.  
 5 Q. Do you know if it was noticed in the  
 6 newspaper?  
 7 A. It wasn't. I didn't -- it wouldn't have  
 8 been in the newspaper.  
 9 Q. Do you know one way or the other, ma'am?  
 10 A. It was not in the newspaper.  
 11 Q. Following the funeral, how did you learn  
 12 the funeral took place?  
 13 A. I don't recall.  
 14 Q. Ma'am, as you know, I represent  
 15 Ms. Pieper.  
 16 Did you ever record her at any time  
 17 without telling her?  
 18 A. I don't recall.  
 19 Q. Ma'am, you indicated you believe she's  
 20 involved somehow in the wiretapping case.  
 21 What is your understanding of that?  
 22 MR. POTTER: I'm going to object and  
 23 instruct her not to answer concerning the  
 24 wiretapping case.  
 25 BY MR. GATES:

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1 Q. Ma'am, is Ms. Pieper involved in any way  
 2 in that case, to your knowledge?  
 3 MR. POTTER: Same objection; same  
 4 instruction.  
 5 BY MR. GATES:  
 6 Q. Ma'am, is Ms. Pieper going to be a  
 7 witness to that case, to your knowledge?  
 8 MR. POTTER: Same objection; same  
 9 instruction.  
 10 BY MR. GATES:  
 11 Q. Is there a trial date scheduled for that  
 12 felony charge?  
 13 A. No.  
 14 Q. Are your brothers going to be witnesses  
 15 in that case?  
 16 MR. POTTER: Same objection; same  
 17 instruction.  
 18 BY MR. GATES:  
 19 Q. Ma'am, you indicated on the 21st of  
 20 March, 2008, that that was the first time you met  
 21 Ms. Pieper when she arrived in your father's  
 22 hospital room. You said something I wanted to ask  
 23 you about. You said, quote, and I wrote this down  
 24 this afternoon, She was not his type.  
 25 What did you mean by that?

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1 A. He usually likes tall women. She is  
 2 short. He usually likes the athletic type. She's  
 3 the articulate type or educated type. She's not his  
 4 type.  
 5 Q. Anything else?  
 6 A. No.  
 7 Q. Are you still a member of a union?  
 8 A. No.  
 9 Q. Were you ever a member of a union?  
 10 A. Yes.  
 11 Q. Which one, ma'am?  
 12 A. Culinary Local 226. I'm a member. I'm  
 13 just on -- my cards -- I'm still there. It's just  
 14 on hold.  
 15 Q. Inactive?  
 16 A. Yes.  
 17 Q. Were you ever reprimanded by the union in  
 18 any way?  
 19 A. No.  
 20 Q. Ma'am, when you left the hospital on the  
 21 21st of March, you were taken to jail; is that  
 22 correct?  
 23 A. Yes.  
 24 Q. And how long did you remain in jail?  
 25 A. Approximately 17 hours.

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1 Q. And during that time were you provided  
2 any medication?  
3 A. No.  
4 Q. Were you placed under any watches, to  
5 your knowledge?  
6 A. No.  
7 Q. Were you placed on any specific  
8 surveillance, to your knowledge?  
9 A. No.  
10 Q. Following the death of your father, was  
11 there a dispute over his estate proceeds?  
12 A. I beg your pardon, can you repeat?  
13 Q. Following the death of your father, was  
14 there a dispute or a fight over his estate --  
15 A. No.  
16 Q. -- and its proceeds?  
17 A. No.  
18 Q. Was there a will?  
19 A. Yes.  
20 Q. Was there a reading of the will where the  
21 three of you attended?  
22 A. No.  
23 Q. Was the house part of the estate, that  
24 was given to you and your two brothers?  
25 A. Yes.

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1 Q. Now, going back to the 21st, is it fair  
2 to say that during the entire time that Ms. Pieper  
3 was in the hospital room, she never touched you?  
4 A. I beg your pardon, can you repeat that?  
5 Q. Sure. Let me have it read back.  
6 (The requested portion of the record was  
7 read by the court reporter.)  
8 THE WITNESS: Yes.  
9 BY MR. GATES:  
10 Q. And you touched her?  
11 A. No.  
12 Q. Did you strike her on the shoulder?  
13 A. No.  
14 Q. If your brother Steve, who was present  
15 that day, signed a voluntary statement that said you  
16 touched Danielle Pieper, are you saying he was  
17 wrong?  
18 A. It's wrong.  
19 Q. If Ms. Pieper signed a voluntary  
20 statement that day saying that you struck her in the  
21 back, are you saying she is wrong?  
22 A. She's wrong.  
23 Q. If there are third parties saying that  
24 you struck Ms. Pieper in the back, are you saying  
25 they were wrong?

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1 A. They are wrong.  
2 Q. Was there a criminal proceeding regarding  
3 the battery charge you have been talking about?  
4 A. Yes.  
5 Q. And what was the disposition of that?  
6 A. Not guilty, case dismissed.  
7 Q. Did you render testimony in that case?  
8 A. What do you mean?  
9 Q. Did you get up and testify, ma'am, under  
10 oath?  
11 A. Yes.  
12 Q. Did you call any witnesses?  
13 A. No.  
14 Q. Did your brother Steve testify at that  
15 trial?  
16 A. No.  
17 Q. Your brother rendered a statement.  
18 Have you read the statement that he  
19 signed?  
20 A. No. What statement?  
21 Q. About the events in the hospital room on  
22 March 21st, 2008?  
23 A. I read a few statements. If you want to  
24 show me which one.  
25 Q. Ma'am, did you tell Ms. Pieper several

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1 times to get the fuck out of the room back then?  
2 A. I told her several times to get out, yes,  
3 that's correct.  
4 Q. Ma'am, did you use the "F" word?  
5 A. I could have.  
6 Q. Ma'am, did your brother tell you, Calm  
7 down, Joyce?  
8 A. Yes.  
9 Q. And after he said that, did you again  
10 tell Ms. Pieper to, and I quote, Get the fuck out?  
11 A. I told him -- I told her to get out, yes.  
12 My brother was yelling at me, and I told her to get  
13 out.  
14 Q. And did you tell her, and I quote, You  
15 don't belong here?  
16 A. Yes. I might have. She's not family.  
17 Q. And did you tell her to, and I quote, Get  
18 the fucking smile off your face, end quote?  
19 A. I might have told her to stop smiling,  
20 yes.  
21 Q. Ma'am, did you use the "F" word?  
22 A. I might have, yes.  
23 Q. Did you raise your voice?  
24 A. Yes.  
25 Q. Ma'am, did you attempt to spit at

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1 Ms. Pieper that day?  
 2 A. No.  
 3 Q. Did you tell the police officer that day,  
 4 that came to the scene, what had happened?  
 5 A. No.  
 6 Q. Did the responding police officer that  
 7 day, the first responding police officer, did he  
 8 come to the criminal proceeding?  
 9 A. Could you repeat that, please?  
 10 MR. GATES: Go ahead and read it back,  
 11 please.  
 12 (The requested portion of the record was  
 13 read by the court reporter.)  
 14 MR. POTTER: I will object to the form of  
 15 the question.  
 16 BY MR. GATES:  
 17 Q. Ma'am, did the police officer that  
 18 arrived at the hospital on the 21st of March, 2008  
 19 take a statement from you?  
 20 A. No.  
 21 Q. Did he testify at your criminal trial?  
 22 A. There was a few police officers there. I  
 23 don't know which one you're talking about.  
 24 Q. Well, you testified earlier you seemed to  
 25 be able to distinguish between the responding police

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1 officer and what you referred to as a supervising  
 2 police officer.  
 3 Do you remember that?  
 4 A. Yes.  
 5 Q. So the responding police officer, did he  
 6 testify at your criminal trial?  
 7 A. There were two responding police  
 8 officers, Frederick and Eager. One of them  
 9 testified and the other one didn't. One of them  
 10 didn't show up, and the other one did.  
 11 Q. Did you -- did you subpoena anyone to  
 12 your criminal trial to come in and testify?  
 13 A. My attorney was handling that. I  
 14 personally did not.  
 15 Q. Do you know one way or the other if that  
 16 occurred?  
 17 A. I don't know.  
 18 Q. Ma'am, at the time that all this took  
 19 place on the 21st of March, is it fair to say you  
 20 were not getting along with either of your brothers?  
 21 A. We were under extreme pressure. We were  
 22 trying to get along because of -- my father was in  
 23 the hospital.  
 24 Q. And it appears now you, at least it  
 25 seems, made some amends with your brother Steve?

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1 A. Yes.  
 2 Q. And when did that occur?  
 3 A. Over on and off for years. It's been  
 4 going -- we're on and off for years.  
 5 Q. Since the events?  
 6 A. Since before my father, we've been like  
 7 that.  
 8 Q. Following March --  
 9 A. I would say --  
 10 Q. -- 21st, 2008, when do you believe that  
 11 you made first amends with your brother?  
 12 A. I would say -- we went to Thanksgiving.  
 13 We went -- it was either Thanksgiving or Christmas  
 14 dinner.  
 15 Q. That year?  
 16 A. I don't recall.  
 17 Q. Is your brother still engaged to  
 18 Danielle Pieper?  
 19 A. He says he's not, no.  
 20 Q. What did you first learn that?  
 21 A. Shortly after.  
 22 Q. Shortly after what, ma'am?  
 23 A. I don't know. I don't know. I just  
 24 learned it after my father passed.  
 25 Q. Did you learn it after the funeral took

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1 place?  
 2 A. After the -- yes.  
 3 Q. Now, there has been some questions  
 4 regarding your brother and a few things that haven't  
 5 been addressed, and I'm going to -- I'm going to  
 6 mark the next exhibit as I, and it's an incident  
 7 report from March 11th, 2008.  
 8 Let me pass it down. I apologize,  
 9 Counsel, I only have two copies.  
 10 (Whereupon, Exhibit I was  
 11 marked for identification.)  
 12 BY MR. GATES:  
 13 Q. Let me have you take a look at that --  
 14 MR. POTTER: Are we supposed to pass this  
 15 on?  
 16 MR. GATES: No.  
 17 MR. POTTER: It's all on -- it's one  
 18 exhibit?  
 19 MR. GATES: Yes.  
 20 MR. POTTER: Go ahead.  
 21 THE WITNESS: What was the question?  
 22 BY MR. GATES:  
 23 Q. Go ahead and look at it and tell me if  
 24 you have ever seen that before?  
 25 A. I have never seen this, no.



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1 Q. Ma'am, let me have you turn to page 3 of  
2 the incident report. There is a typed paragraph.  
3 Did you call your brother Steve on  
4 March 11th, 2008, and tell him that you were  
5 breaking up his property and shattering his windows?  
6 A. No.  
7 Q. Did the police ever come and discuss this  
8 with you?  
9 A. No.  
10 Q. Ma'am, while your father was in the  
11 hospital, did you ever take a key to Steve's house?  
12 A. No.  
13 Q. Let me have you look at the last page of  
14 the exhibit, and it's the written statement by your  
15 brother Steve.  
16 Have you ever seen this statement before?  
17 A. No.  
18 Q. Ma'am, on March 11th, 2008, did you know  
19 that Ms. Pieper was living with your brother?  
20 A. He said she was.  
21 Q. When did he tell you that?  
22 A. I don't think he ever told me. My dad  
23 told me. I don't know. We knew that when she first  
24 moved in.  
25 MR. GATES: Let me mark this next in

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1 order.  
2 (Whereupon, Exhibit J was  
3 marked for identification.)  
4 BY MR. GATES:  
5 Q. Ma'am, let me have you look at Exhibit J.  
6 It's an incident report from March 24th.  
7 And tell me when you've had a chance to  
8 look it over.  
9 A. Okay.  
10 Q. Have you had a chance to look at it?  
11 A. Yes.  
12 Q. Have you ever seen Exhibit J before?  
13 A. In a different format, yes. I believe  
14 so, yes.  
15 Q. Ma'am, the report indicates that your  
16 brothers told the police that you fell over a table  
17 and also ran outside and were hitting yourself while  
18 calling the police.  
19 Did you do that?  
20 A. No.  
21 Q. Is it your assertion on this date that  
22 your brothers attacked you?  
23 A. Yes.  
24 Q. Did you tell the police that?  
25 A. Yes.

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1 Q. Were any charges made against any of the  
2 parties involved that day?  
3 A. No.  
4 Q. Ma'am, why did your brothers go over to  
5 the house that day?  
6 A. I don't know.  
7 Q. Was this before or after the funeral?  
8 A. Before. I think they mentioned they were  
9 going to pick up clothes.  
10 Q. And ma'am, did you learn on the 24th of  
11 March that there was a funeral planned for your  
12 father?  
13 A. Yes, but there was no date.  
14 Q. So you knew it was upcoming as of the  
15 24th, but you didn't know the date or where?  
16 A. Well, I know there has to be a funeral  
17 eventually, but I didn't know where.  
18 Q. Ma'am, did you ask your brothers -- I'm  
19 sorry, go ahead.  
20 A. No, go ahead.  
21 Q. Did you ask your brothers that day when  
22 the funeral was going to be held?  
23 A. No. I don't think they even knew.  
24 Q. Was there a physical altercation that  
25 day, ma'am?

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1 A. Yes.  
2 Q. And tell me, describe for me how it took  
3 place.  
4 A. It was -- Steve said he was going to come  
5 over, and I was waiting in the living room for him,  
6 and garage door opened. I seen both him and Lewis  
7 walk down the hall. And all of a sudden, I don't  
8 know what happened, Lewis just -- I seen his eyes  
9 were glazed over, and I knew what he was going to  
10 do.  
11 I just started running, and he started  
12 attacking me and he was cursing at me, yelled at me,  
13 and he started running after me, and he attacked me.  
14 Q. Did you tell the police that you wanted  
15 to file charges?  
16 A. I don't recall. I called the police.  
17 Q. I'm sorry?  
18 A. The police were called.  
19 Q. And you weren't hitting yourself when you  
20 called the police?  
21 A. No. Lewis was -- Lewis hit me. Not when  
22 I was calling the police. You can't do that at the  
23 same time.  
24 Q. So if your brothers are telling the  
25 police what is in this report, you believe they were

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1 telling falsehoods?  
 2 A. My brothers lied, most definitely they  
 3 lied.  
 4 Q. Ma'am, on the 26th of March, there was an  
 5 application for a protection order that was filed by  
 6 Danielle Pieper.  
 7 When did you learn that that had been  
 8 filed?  
 9 A. What day was that?  
 10 Q. On the 26th of March.  
 11 A. She filed a TPO on me?  
 12 Q. Yes, ma'am.  
 13 A. Okay. Because she had one on me before  
 14 that. She served me with one in the hospital. I  
 15 have no idea about March 26th.  
 16 Q. But you believe before that you were  
 17 aware one had been served?  
 18 A. There was one -- she had -- she served  
 19 one on me in the hospital. I mean, not the  
 20 hospital, excuse me, pardon me, in the jail. I have  
 21 no idea about March 26th.  
 22 Q. And do you recall what the language said  
 23 in the TPO, the one you received in jail?  
 24 A. I don't recall. I was upset. I don't  
 25 know. It said to stay away. I don't recall.

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1 Q. And you recall she applied for an  
 2 extension?  
 3 A. I don't know what she did.  
 4 Q. Well, you eventually went to a hearing  
 5 regarding --  
 6 A. My own, not --  
 7 Q. -- something --  
 8 A. -- not hers --  
 9 Q. -- and a temporary restraining order;  
 10 correct?  
 11 A. Yes.  
 12 Q. And did a judge hear you testify?  
 13 A. I didn't -- I didn't testify. I was in  
 14 front of a judge in a courtroom, both of us were.  
 15 Q. Okay. Did anyone testify?  
 16 A. Well, when you say testify, can you --  
 17 what do you mean testify? Did we go on the witness  
 18 stand or just --  
 19 Q. Yes, ma'am.  
 20 A. We didn't go on the witness stand. We  
 21 testified standing up on the table.  
 22 Q. Under oath?  
 23 A. I don't recall.  
 24 Q. Was Ms. Pieper there?  
 25 A. Yes.

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1 Q. Did you have an attorney present?  
 2 A. No.  
 3 Q. And what was the result of that hearing?  
 4 A. The TPO was resolved -- dissolved. The  
 5 judge dissolved it.  
 6 Q. Which judge was that?  
 7 A. I don't recall her name. Was it  
 8 Doninger? I don't know. I don't recall. I don't  
 9 know.  
 10 Q. Did you --  
 11 A. I don't know her name.  
 12 Q. I'm sorry. Did you --  
 13 A. I don't know her name.  
 14 Q. Did you present any evidence other than  
 15 your testimony?  
 16 A. I didn't present exhibits, if that's what  
 17 you are asking.  
 18 Q. Ma'am, let me have you look at the next  
 19 in order.  
 20 (Whereupon, Exhibit K was  
 21 marked for identification.)  
 22 BY MR. GATES:  
 23 Q. Let me know when you've had a chance to  
 24 look at it.  
 25 A. Here's the complaint -- oh, it's here.

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1 Okay. Is that the one I'm suing Eager?  
 2 MR. POTTER: Yes.  
 3 THE WITNESS: Okay.  
 4 BY MR. GATES:  
 5 Q. Have you seen these documents before?  
 6 A. No.  
 7 Q. Ma'am, on the 17th of April, 2008, did  
 8 you go over to 8625 Highland View, to the home there  
 9 in Las Vegas, Nevada?  
 10 A. No.  
 11 Q. Ma'am, did you go over there with a  
 12 spray -- spray paint can that was black?  
 13 A. No.  
 14 Q. Ma'am, do you deny spray painting the  
 15 home, the truck, or any other items that were  
 16 attached to the house?  
 17 A. Yes.  
 18 Q. And let me show you, they are in order,  
 19 if you would go to the photographs. I don't have  
 20 them numbered, but since we are being filmed today,  
 21 take a look at the first photograph as 8625.  
 22 Did you spray paint that, ma'am?  
 23 A. No.  
 24 Q. Let me have you turn to the second  
 25 photograph. It's a license plate 140 PGF.

49 (Pages 193 to 196)

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1 Are you with me?  
 2 MR. POTTER: Yes.  
 3 BY MR. GATES:  
 4 Q. Do you know whose license plate that is?  
 5 A. No.  
 6 Q. Let me have you go to the next photograph  
 7 of the truck. It says, Steve killed his dad.  
 8 Is that your handwriting, ma'am?  
 9 A. No.  
 10 Q. Did you spray paint that on his truck?  
 11 A. No.  
 12 Q. Do you know who did?  
 13 A. No.  
 14 Q. Let me have you go to the next  
 15 photograph. It says, Killer Steve on the hood of  
 16 the truck.  
 17 Did you spray paint that on his truck,  
 18 ma'am?  
 19 A. No.  
 20 Q. Do you know who did?  
 21 A. No.  
 22 Q. Do you know of anyone who would have a  
 23 reason to do such a thing?  
 24 A. No.  
 25 Q. Ma'am, let me have you turn to the next

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1 photograph. It says, Steve killed his dad, and  
 2 that's on the garage door of his home in his  
 3 neighborhood.  
 4 Did you spray paint that, ma'am?  
 5 A. No.  
 6 Q. Let me show you a picture, it's next in  
 7 order, of the side of his home, and it says, Steve  
 8 killed his dad.  
 9 Did you spray paint that?  
 10 A. No.  
 11 Q. And next in order it shows the truck, the  
 12 side of the house, and the garage door.  
 13 Did you do that, ma'am?  
 14 A. No.  
 15 Q. Next in order spray painted Killer on the  
 16 camper that was near the house.  
 17 Did you do that, ma'am?  
 18 A. No.  
 19 Q. Next in order, same camper, it says,  
 20 Lewis killed his dad.  
 21 Did you do that?  
 22 A. No.  
 23 Q. Do you know whose camper that is?  
 24 A. No.  
 25 Q. Do you know if your brother Lewis owned a

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1 camper at the time?  
 2 A. He owned a camper, but I don't know. I  
 3 don't -- I've never seen it.  
 4 Q. Let me show you next in order. It's the  
 5 rear of the camper, and it says, Killer Lewis.  
 6 Is that your handwriting?  
 7 A. No.  
 8 Q. Next in order it's a mirror on the  
 9 camper. It's been spray painted.  
 10 Did you do that, ma'am?  
 11 A. No.  
 12 Q. And the final photograph says, Lew killed  
 13 his dad.  
 14 I think it's repetitious, but did you do  
 15 that, ma'am?  
 16 A. No.  
 17 Q. Ma'am, on the 14th of April, 2008, do you  
 18 recall your whereabouts?  
 19 A. That's years ago. I don't know where I  
 20 was two years ago, three years ago.  
 21 Q. Were you ever contacted by any law  
 22 enforcement officials regarding the pictures that I  
 23 have just shown you or these reports that were made?  
 24 A. No.  
 25 MR. GATES: Let me mark as next in order,

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1 I think we're on L.  
 2 (Whereupon, Exhibit L was  
 3 marked for identification.)  
 4 BY MR. GATES:  
 5 Q. And let me have you take a look at  
 6 Exhibit L, and let me know when you are ready.  
 7 A. Okay.  
 8 Q. You have seen this one; correct?  
 9 A. Yes. Let me look this over real quick.  
 10 Q. You bet.  
 11 A. Okay.  
 12 Q. Ma'am, this is an application that you  
 13 filed with the Court against your brother Steve, and  
 14 it was filed on April 15th, 2008.  
 15 Do you recall doing that?  
 16 A. Yes.  
 17 Q. And that would have been two days before  
 18 Exhibit K that I showed you that, all the  
 19 photographs of that spray paint.  
 20 Why did you file a request for protection  
 21 order against your brother Steve?  
 22 A. When was this filed?  
 23 Q. On the 15th of April.  
 24 A. And when was this filed?  
 25 Q. On the 17th of April.

50 (Pages 197 to 200)

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1 A. That is different.  
 2 Okay. So what was the question?  
 3 Q. Why did you file this against your  
 4 brother Steve on April 15, 2008?  
 5 A. We were fighting, and he threatened me.  
 6 Q. What were you fighting about?  
 7 A. I don't recall.  
 8 Q. You have a handwritten --  
 9 A. I think I was upset.  
 10 Q. I'm sorry?  
 11 A. I was upset.  
 12 Q. Well, this would have been approximately  
 13 how long after your father's death?  
 14 A. A month after.  
 15 Q. And you refer in your handwritten  
 16 statement that your brother Steve started yelling at  
 17 you and beating me up in the hospital room on  
 18 March 21st, 2008; is that correct?  
 19 A. Yes.  
 20 Q. Is that your testimony today that that's  
 21 what he did?  
 22 A. Repeat that.  
 23 Q. Yes, ma'am. Your statement indicates on  
 24 March 21st, 2008, that Steve, your brother, came  
 25 into your father's hospital room, in the ICU,

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1 started yelling at you, and then beat you up?  
 2 A. Yes.  
 3 Q. And that's still your testimony today  
 4 that he did that?  
 5 A. He beat me up by tackling me to the  
 6 ground. That's what I say -- what I say when he  
 7 beat me up. That's what I mean. He tackled me to  
 8 the ground.  
 9 Q. On line 10 it says, and I quote, Steve  
 10 started yelling at me and beating me up, Steve threw  
 11 me onto the ground and started pushing my face into  
 12 the ground while grabbing the back of my hair, end  
 13 quote.  
 14 A. Correct.  
 15 Q. And you believe that happened?  
 16 A. That did happen. That happened.  
 17 Q. And then two days later on March 23rd,  
 18 2008 -- I'm on line 15 -- you state, and I quote,  
 19 Steve Zaic murdered my father while my father was in  
 20 the hospital, end quote.  
 21 A. Right.  
 22 Q. How did your brother Steve murder your  
 23 father?  
 24 A. Well, I thought that he obtained power of  
 25 attorney, and I thought that he gave the hospital

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1 permission to take my dad, our father, off life  
 2 support. So I thought that's what this was all  
 3 based on.  
 4 Q. And --  
 5 A. And he didn't. He said he never did. He  
 6 never gave them power of attorney.  
 7 Q. The next sentence, ma'am, says, Steve  
 8 called me on the phone right after he murdered my  
 9 father and told me that he just killed Dad, and he  
 10 is going to bring a gun over to my house and kill me  
 11 too and then kill himself, end quote.  
 12 A. My brother said that he was going to  
 13 bring a gun over and -- yes, he said he was going to  
 14 kill both of us. He said that.  
 15 Q. Well, did your brother --  
 16 A. He was upset.  
 17 Q. -- tell you that he murdered your father?  
 18 A. I don't recall.  
 19 Q. And this was two days obviously before  
 20 the spray painting of Steve's home and of Lewis's  
 21 mobile home.  
 22 Did you do that, ma'am?  
 23 A. No.  
 24 Q. On line 20 you say on March 24th, 2008,  
 25 Steve along with your other brother Lewis, and I

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1 quote, Came to my house with guns and robbed me and  
 2 beat me up. They wrecked the house and stole items  
 3 from the house, both mine and my father's items.  
 4 Lewis beat me up while Steve watched, end quote.  
 5 Did that occur, ma'am?  
 6 A. Yes.  
 7 Q. Then on line 24, you presented to the  
 8 Court, Steve has been driving by my house the past  
 9 few nights and yelling, and I can't read the rest.  
 10 Can you tell me what that says?  
 11 A. No, I can't.  
 12 Q. I believe it says, And yelling out his  
 13 window that he is going to kill me and that he  
 14 killed Dad.  
 15 Do you recall writing that when you  
 16 submitted this to the Court, ma'am?  
 17 A. I don't recall.  
 18 Q. Did that happen, ma'am?  
 19 A. I don't recall.  
 20 Q. Well, it did or it didn't. You filed  
 21 this with the Court. Do you agree with that?  
 22 MR. POTTER: Objection; argumentative.  
 23 BY MR. GATES:  
 24 Q. Go ahead. You can answer.  
 25 A. I don't recall. I must have heard at the

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1 time -- this is a few years old -- I must have heard  
 2 yelling outside, somebody was yelling.  
 3 Q. Ma'am, because you believed this on  
 4 April 15th, 2008, did you go spray paint their house  
 5 on April 17th, 2008?  
 6 A. No.  
 7 Q. Ma'am, what was the disposition of this  
 8 request for protection order?  
 9 A. I think she gave me one. Which was  
 10 this -- in family court? I was given one.  
 11 Q. For how long?  
 12 A. I don't know the exact time. I don't  
 13 know how long.  
 14 Q. Did you request an extension?  
 15 A. I don't recall. It's two years,  
 16 three years ago.  
 17 Q. Ma'am, have you had an opportunity to  
 18 review the third amended complaint that your  
 19 attorneys have filed in this case?  
 20 A. Yes.  
 21 Q. Let me ask you, there are several causes  
 22 of action. The first one is violation of civil  
 23 rights. And I don't believe Ms. Pieper is mentioned  
 24 in that one.  
 25 Are you alleging against her, Ms. Pieper,

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1 a violation of civil rights in this case?  
 2 MR. POTTER: Objection; calls for a legal  
 3 conclusion.  
 4 BY MR. GATES:  
 5 Q. Do you know, ma'am, one way or the other?  
 6 A. Can you repeat the question?  
 7 Q. Are you asserting that Ms. Pieper  
 8 violated your civil rights in this case?  
 9 MR. POTTER: Same objection.  
 10 BY MR. GATES:  
 11 Q. Go ahead if you --  
 12 A. Yes.  
 13 Q. -- if you have that understanding.  
 14 And how did she violate your civil  
 15 rights, ma'am?  
 16 A. She had me arrested under false  
 17 pretenses.  
 18 Q. Ms. Pieper had you arrested?  
 19 A. Ms. Pieper arrested me under false  
 20 pretenses.  
 21 Q. How did she arrest you, ma'am?  
 22 A. A citizen's arrest.  
 23 Q. All right. And it was the police who  
 24 arrested you.  
 25 Would you agree with that?

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1 MR. POTTER: Objection; argumentative,  
 2 lack of foundation.  
 3 BY MR. GATES:  
 4 Q. Go ahead, ma'am.  
 5 A. They both -- they both arrested me.  
 6 Q. Were you handcuffed that night?  
 7 A. Yes.  
 8 Q. Did Ms. Pieper handcuff you?  
 9 A. She ordered them to handcuff me, yes.  
 10 Q. When did she do that, ma'am?  
 11 A. When she had me arrested on a citizen's  
 12 arrest. She is responsible for the handcuffs.  
 13 Q. Ma'am, did you hear Ms. Pieper tell the  
 14 police to put handcuffs on you?  
 15 A. No.  
 16 Q. Did you hear Ms. Pieper tell the police  
 17 to arrest you?  
 18 A. Yes.  
 19 Q. And what was said specifically?  
 20 A. They were at a distance, but I overheard  
 21 them saying, "I want her arrested, arrest her."  
 22 Q. Ma'am, the second cause of action is  
 23 assault and battery.  
 24 Is it your understanding that you are  
 25 alleging assault and battery against Ms. Pieper in

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1 this case?  
 2 A. I don't recall.  
 3 Q. And I will read to you, paragraph 44,  
 4 line 15, it says, Mr. Simms, Malot, Maurice, and  
 5 Sunrise MountainView Hospital. It doesn't mention  
 6 Ms. Pieper.  
 7 Do you know one way or the other if you  
 8 are asserting assault and battery against  
 9 Ms. Pieper?  
 10 A. Yes, I am --  
 11 MR. POTTER: Objection; call for a legal  
 12 conclusion.  
 13 I'm sorry, go ahead.  
 14 BY MR. GATES:  
 15 Q. And what is your understanding, ma'am?  
 16 How did she assault and battery you?  
 17 A. She had me arrested, and had me -- she's  
 18 the cause of the handcuffs.  
 19 Q. Third cause of action is negligent and  
 20 intentional infliction of emotional distress. And  
 21 you mention Ms. Pieper in this one.  
 22 Same answer because she had you arrested  
 23 that night?  
 24 A. Yes.  
 25 Q. And your emotional distress, have you --



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1 A. She wouldn't let me be with my -- backup.  
 2 She wouldn't let me be with my father either.  
 3 Q. How is that, ma'am?  
 4 A. She had me arrested. If I wasn't  
 5 arrested, I would be allowed to be with my father.  
 6 Q. Ma'am, you mention emotional distress in  
 7 your complaint, and it was discussed earlier today  
 8 in the deposition, and I just want to be clear.  
 9 You have not treated with any health care  
 10 practitioners regarding any emotional distress that  
 11 you are claiming in this lawsuit; correct?  
 12 A. Correct.  
 13 Q. And you didn't receive any medical  
 14 attention in the jail; correct?  
 15 A. Correct.  
 16 Q. And as far as I understand, you haven't  
 17 used any medication as a result of the damages that  
 18 you are alleging in this case; correct?  
 19 A. Correct.  
 20 Q. The fourth cause of action, it's page 10,  
 21 line 18 for the record, civil conspiracy.  
 22 Are you alleging -- and it looks like you  
 23 are, she's mentioned -- civil conspiracy that  
 24 because you believe Ms. Pieper, as you say, had you  
 25 arrested that night?

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1 A. She conspired.  
 2 Q. With whom, ma'am?  
 3 A. Along with the police to have me  
 4 arrested, yes, and security.  
 5 Q. Fifth cause of action, page 11, line 21,  
 6 respondeat superior, and I'm guessing you probably  
 7 don't even know what that is; is that correct?  
 8 A. I know what that is.  
 9 Q. What is it, ma'am?  
 10 A. That means that the hospital, as a whole,  
 11 is responsible for their employees and their staff,  
 12 their actions that they make.  
 13 Q. Is it fair to state that that's not an  
 14 allegation against Ms. Pieper in this case; correct?  
 15 She wasn't an employee of the hospital.  
 16 A. She's not a respondeat superior, no.  
 17 She's a -- she wasn't supposed to be there. The  
 18 hospital should have screened. Family members were  
 19 only allowed to be there.  
 20 Q. Were you supposed to be there that night,  
 21 to your understanding, ma'am?  
 22 A. Yes.  
 23 Q. Were you in violation of the trespass  
 24 card that night?  
 25 A. No.

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1 Q. Sixth cause of action, page 12, line 4,  
 2 for negligence, negligent hiring, training, and  
 3 supervision. I will represent to you that  
 4 Ms. Pieper isn't mentioned in this particular cause  
 5 of action.  
 6 Are you asserting that against  
 7 Ms. Pieper?  
 8 MR. POTTER: Same objection as to the  
 9 form of the question.  
 10 BY MR. GATES:  
 11 Q. What is your understanding?  
 12 A. She's not an employee of the hotel -- I  
 13 mean the -- she's not an employee of them.  
 14 Q. Of the hospital?  
 15 A. Of the hospital.  
 16 Q. So is it fair to say, then, you are not  
 17 asserting that cause of action, to your  
 18 understanding, against Ms. Pieper?  
 19 A. No. I'm asserting it. Everything in  
 20 there I'm asserting.  
 21 Q. Against Ms. Pieper?  
 22 A. Whatever is in there, whatever is put in  
 23 that complaint is accurate.  
 24 Q. Page 14, malicious prosecution. Again,  
 25 is that based on your assertion that Ms. Pieper had

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1 you arrested that night?  
 2 A. Yes.  
 3 Q. Ma'am, is it your understanding that the  
 4 police had to do whatever Ms. Pieper said that night  
 5 because of her position?  
 6 MR. POTTER: I will object to the form of  
 7 the question.  
 8 BY MR. GATES:  
 9 Q. Go ahead, ma'am, if you understand it.  
 10 If not, I will repeat it --  
 11 A. Can you rephrase that, please?  
 12 Q. Sure. Do you understand what  
 13 Ms. Pieper's -- at least back in March of 2008 --  
 14 what her position was?  
 15 A. What her position was?  
 16 Q. Yes, ma'am.  
 17 A. Her position was my brother's girlfriend.  
 18 Q. Employment position, ma'am.  
 19 A. She's a district attorney, yes.  
 20 Q. Let me ask, were you jealous of  
 21 Ms. Pieper because your brother was engaged to her?  
 22 A. No. I don't even know her. I'm happy  
 23 for her then.  
 24 Q. Did you feel that your brother wasn't  
 25 giving you attention because he was engaged to

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1 Ms. Pieper?  
 2 A. No.  
 3 Q. Ma'am, on the 21st of March, you said you  
 4 didn't even know Ms. Pieper; correct?  
 5 A. Right.  
 6 Q. But your brother had spoken to you about  
 7 her?  
 8 A. I don't recall. I don't think he had.  
 9 Q. You mentioned --  
 10 A. He might have once or twice. I just  
 11 don't recall.  
 12 Q. Are you done?  
 13 You mentioned, ma'am, that you were aware  
 14 that she had gone out to dinner with your father at  
 15 least three times prior to your father being placed  
 16 in a hospital.  
 17 Do you remember that?  
 18 A. Correct, yes.  
 19 Q. You weren't invited on those occasions,  
 20 were you?  
 21 A. No, I was invited.  
 22 Q. You didn't attend?  
 23 A. I didn't attend.  
 24 Q. Who invited you?  
 25 A. I think my dad did.

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1 Q. Ma'am, were you jealous that Ms. Pieper  
 2 had been invited to dinner and you had not with your  
 3 father on three occasions?  
 4 A. No. I was invited. I'm always invited  
 5 to dinner. My dad would never go without me being  
 6 invited. We were all invited.  
 7 Q. Who went to dinner the first time?  
 8 A. I don't know.  
 9 Q. Where did they go to dinner?  
 10 A. I don't know. I think they went to  
 11 Applebee's or somewhere?  
 12 Q. Second time who was invited to the  
 13 dinner?  
 14 A. I don't know.  
 15 Q. Who went to the dinner?  
 16 A. I don't know.  
 17 Q. Where did the dinner take place?  
 18 A. I don't know. I think they used to go to  
 19 Applebee's.  
 20 Q. The third time that you say you were  
 21 invited, do you know where the dinner took place?  
 22 A. No.  
 23 Q. Do you know who attended the dinner?  
 24 A. No.  
 25 Q. Prior to the 21st of March, 2008, who had

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1 communicated to you regarding Ms. Pieper and who she  
 2 was and that she was engaged to your brother?  
 3 A. My brother came over occasionally, and he  
 4 told us. He had conversations with me and my dad,  
 5 and he would talk about Danielle.  
 6 Q. And when did you learn of her position?  
 7 A. I don't recall.  
 8 Q. And on the 21st of March, what was your  
 9 understanding of her position in the community?  
 10 A. She's a district attorney. I didn't  
 11 know -- I know she was an attorney in the  
 12 courthouse. I didn't know district attorney or  
 13 municipal court attorney. I don't know what  
 14 department she worked in at the time. I knew she  
 15 was an attorney down there.  
 16 Q. Did you know that she was a public  
 17 employee?  
 18 A. I didn't even know the difference, what  
 19 that means. I knew she was an attorney down there.  
 20 I didn't know what the difference -- what that was  
 21 at the time. I didn't know the difference between  
 22 DA or municipal court at the time.  
 23 Q. And that was at the time of the citizen's  
 24 arrest that night; correct?  
 25 A. Yes. She told them she was a DA.

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1 Q. Well, I had asked you earlier about  
 2 conversations. You didn't say anything about that.  
 3 Did you hear her tell the police that she  
 4 was a DA, ma'am?  
 5 A. No. I heard the police talking to the  
 6 other officers about how she was discussing the law  
 7 with him.  
 8 Q. The officers that arrived, did they  
 9 recognize your brothers?  
 10 A. They shook hands; so I'm assuming they  
 11 did.  
 12 Q. Did you recognize the officers that  
 13 arrived that evening?  
 14 A. No.  
 15 Q. Ma'am, you mentioned -- I don't know in  
 16 total -- but that you and your brother Steve had  
 17 made up somewhat as of today; correct?  
 18 A. Yes.  
 19 Q. Are you going to call him as a witness in  
 20 this case, to your understanding?  
 21 A. It's up to my attorney.  
 22 Q. And have you talked to your brother about  
 23 the voluntary statement that he signed on  
 24 March 21st, 2008?  
 25 A. No. I haven't discussed it with him.

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1 Q. Ma'am, did you have a discussion with  
2 your brother about him recanting his voluntary  
3 statement that he gave the police that night  
4 indicating that you struck Danielle Pieper?  
5 A. I don't recall. I don't remember.  
6 Q. You mentioned on one occasion, remember  
7 when you were sitting on the bench in the bus stop  
8 waiting for the hospital security officers to go  
9 back in the hospital.  
10 Are you with me?  
11 A. Yes.  
12 Q. You mentioned that, and I wrote this  
13 down, and I quote, you didn't want them to know the  
14 type of car you were driving.  
15 Why was that?  
16 A. Because I don't want them to come get me.  
17 I don't want -- they're vindictive. I don't want  
18 them to harass me or do something to my car when I'm  
19 in the hospital room with my dad.  
20 Q. So what I'm hearing you say, then, is you  
21 felt, at least at that point in time, that if you  
22 went to your car, that there might be retaliation by  
23 the security officers against your car?  
24 A. Against me. I just don't want them to  
25 know anything about me. They were very awful to me.

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1 Q. Ma'am, you also mentioned the term IA,  
2 which I assume would be internal affairs, is that  
3 correct, earlier today, about five hours ago, maybe  
4 six?  
5 A. I mentioned internal affairs, IAB. I  
6 don't know that stuff.  
7 Q. Well, you made it a point to say you  
8 didn't go to them, that they came to you?  
9 A. By internal affairs, correct.  
10 Q. When was that?  
11 A. March 24th. I think I said it was the  
12 23rd, but it was the 24th. It was either the 23rd  
13 or the 24th.  
14 Q. And did they come to your house?  
15 A. Yes.  
16 Q. And what conversation took place that day  
17 with IA?  
18 A. They took voluntary recorded statements  
19 concerning my -- the battery.  
20 Q. On the 21st in the hospital room?  
21 A. No. That was the 24th.  
22 Q. I understand that they came to your house  
23 on the 24th, but was your statement -- did they take  
24 a recorded statement?  
25 A. Yes. That statement was concerning the

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1 battery domestic violence on the 23rd. My father  
2 was already passed away. It had nothing to do with  
3 the 21st. That was against Lewis, not Steve.  
4 Q. When Steve and Lewis came to your house  
5 that day?  
6 A. Yes.  
7 Q. And you didn't give any statement to IA  
8 about the incident between you, Steve, and  
9 Ms. Pieper on the 21st of March?  
10 A. I don't recall. I think it might have  
11 been brought up briefly, but I don't recall.  
12 Q. Did you ever give a written statement to  
13 the police regarding March 21st?  
14 A. No.  
15 Q. When is the last time you spoke with  
16 Steve?  
17 A. Yesterday.  
18 Q. And I know this was asked, but I --  
19 A. Either yesterday or the day before  
20 yesterday.  
21 Q. Fair enough. Did you and he talk about  
22 the events of the 21st of March when you last spoke  
23 to him?  
24 A. No.  
25 Q. Have you and Steve ever discussed the

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1 21st of March, the event that took place in your  
2 dad's hospital room?  
3 A. No, not that I can recall.  
4 MR. GATES: I think that's all the  
5 questions I have for now. Thank you, ma'am.  
6 FURTHER EXAMINATION  
7 BY MR. TYLER:  
8 Q. Just two quick questions for you. You  
9 were talking about your position at the Tuscan and  
10 that you were let go because you failed probation.  
11 Do you know who your supervisor was or  
12 who your evaluator was there?  
13 A. It was a manager.  
14 Q. You don't know their name?  
15 A. I can't think of his name right now. I  
16 forgot. I forgot his name.  
17 Q. At any point, did you ever physically hit  
18 the security guard named Maurice?  
19 A. No.  
20 MR. TYLER: That's all I have.  
21 MR. BENSON: Just real quick --  
22 MR. GATES: I have one more.  
23 THE WITNESS: Can I go back. That's what  
24 they're claiming that they released me for. Their  
25 claim is -- that's what they put on the termination

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1 slip.  
 2 BY MR. TYLER:  
 3 **Q. Tuscany's claiming that you hit a**  
 4 **security guard?**  
 5 **A. No.**  
 6 **Q. Who's claiming now? I'm confused.**  
 7 **A. Tuscany put on the termination slip what**  
 8 **you said earlier.**  
 9 **Q. That you hit a security guard?**  
 10 **A. No. That's two different --**  
 11 **Q. What is Tuscany putting on the --**  
 12 **A. Probation.**  
 13 **Q. Probation, right.**  
 14 MR. POTTER: Did not complete probation  
 15 at Tuscany.  
 16 BY MR. TYLER:  
 17 **Q. Right. But who's making that allegation?**  
 18 **Do you know that person?**  
 19 **A. Tuscany's manager, I guess.**  
 20 **Q. You are not sure the name, though?**  
 21 **A. Yeah. I don't know his name.**  
 22  
 23 FURTHER EXAMINATION  
 24 BY MR. BENSON:  
 25 **Q. Your brother Frank Zaic, does he still**

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1 **live at 8625 Highland with you?**  
 2 **A. Steve Zaic.**  
 3 MR. POTTER: That was his father.  
 4 BY MR. BENSON:  
 5 **Q. Oh, excuse me, Steve Frank Zaic, does he**  
 6 **still live at 8625 Highland View?**  
 7 **A. Yes, he does.**  
 8 **Q. And do you know where Lewis lives?**  
 9 **A. No.**  
 10 MR. BENSON: No other questions.  
 11 FURTHER EXAMINATION  
 12 BY MR. GATES:  
 13 **Q. One more, ma'am. The application for**  
 14 **restraining order against Steve that you filed on**  
 15 **the 15th of April, on the second page, it says you**  
 16 **were employed at Athletic Juice Bar inside 24-Hour**  
 17 **Fitness.**  
 18 **Did you work there?**  
 19 **A. I never worked there. That's my --**  
 20 MR. POTTER: That's where Steve works.  
 21 THE WITNESS: You're reading that wrong.  
 22 BY MR. GATES:  
 23 **Q. Well, I can't tell because the pages are**  
 24 **out of order.**  
 25 **A. That's his --**

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1 **Q. Were you --**  
 2 **A. That's his --**  
 3 **Q. Were you employed when you filed that?**  
 4 **A. What was the date?**  
 5 **Q. The 15th of April, 2008.**  
 6 **A. I believe I was. I think I was still**  
 7 **employed.**  
 8 **Q. But you're saying that your brother Steve**  
 9 **worked at the juice bar?**  
 10 **A. Yes.**  
 11 MR. GATES: That's all I have, ma'am.  
 12 Thank you.  
 13 (Thereupon the taking of the videotaped  
 14 deposition concluded at 4:40 p.m.)  
 15 \* \* \* \* \*

Page 224

1 CERTIFICATE OF DEPONENT  
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 16 DECLARATION OF DEPONENT  
 17 I, JOYCE ZAIC, deponent herein, do hereby  
 18 certify and declare the within and foregoing  
 19 transcription to be my videotaped deposition in said  
 20 action; that I have read, corrected, and do hereby  
 21 affix my signature to said deposition this \_\_\_\_\_  
 22 day of \_\_\_\_\_, 2011.  
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1 REPORTER'S DECLARATION

2 STATE OF NEVADA )

) ss.

3 COUNTY OF CLARK )

4 I, CAMEO L. KAYSER, CCR No. 569,  
declare as follows:

5

6 That I reported the taking of the  
videotaped deposition of the witness, JOYCE ZAIC,  
commencing on Wednesday, May 25, 2011, at 11:10 a.m.

7

8 That prior to being examined, the  
witness was by me duly sworn to testify to the  
truth, the whole truth, and nothing but the truth;  
9 that, before the proceedings' completion, the  
reading and signing of the deposition has been  
10 requested by the deponent or a party.

11 That I thereafter transcribed my said  
shorthand notes into typewriting and that the  
12 typewritten transcript of said videotaped deposition  
is a complete, true, and accurate transcription of  
13 said shorthand notes taken down at said time.

14 I further declare that I am not a  
relative or employee of any party involved in said  
15 action, nor a person financially interested in the  
action.

16

17 Dated at Las Vegas, Nevada this 1st  
day of June, 2011.

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CAMEO L. KAYSER, RPR, CCR No. 569

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**REPORTER'S DECLARATION**

STATE OF NEVADA       )  
                                  ) ss.  
COUNTY OF CLARK       )

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action, nor a person financially interested in the  
action.

Dated at Las Vegas, Nevada this 1st  
day of June, 2011.

  
CAMEO L. KAYSER, RPR, CCR No. 569

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